IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5969 OF 2006

Bhimrao Patil .. Petitioner
Versus
Sangappa G. Burukul & Ors. .. Respondents

Mr.I.M.Khairdi for petitioner
Mr.S.S.Shah for respondents

CORAM : S.C.DHARMADHIKARI, J.

DATE : 16th June 2007.

P.C.

. Heard Mr.Khairdi for petitioner and Mr.Shah for contesting respondents.

2. Under challenge in this petition is an order on an application purporting to be one filed under Section 41-A of the Bombay Public

Trusts Act, 1950. The Assistant Charity Commissioner, Solapur Region, Solapur by the order dated 19th July 2006 has during the pendency of the proceedings arising out of the Change Report (Section 22 of the Trust Act) directed that the elected Board of Trustees shall look after day to day management and affairs of Trust during the pendency of the Inquiry into legality and validity of the change report.

3. Mr.Khairdi submits that there is a serious dispute as to which elections are legal and valid. According to him, during the pendency of the term of earlier Board of Trustees, elections were held which were contrary to the Deed of Trust and the Rules and Regulations for Administration thereof. In such circumstances, the change reports cannot be accepted. This contention is denied and it is pointed out by Mr.Shah that the elections had to be held pursuant to the orders of this Court which points

out serious irregularities and illegalities of the earlier Board of Trustees.

4. Be that as it may, I do not wish to decide anything based upon rival contentions at this stage, lest it may prejudice the case of both sides. All that the Assistant Charity Commissioner has done is to direct the management to manage day to day affairs of the Trust. This direction does not prejudice the petitioners in any manner and the rival contentions are always open for being urged during the main proceedings. However, since the Assistant Charity Commissioner, Solapur Region, Solapur has made certain prima facie observations with regard to the change reports in question, I am of the opinion that interest of justice would be sub-served if the proceedings are transferred from Solapur to Latur which is the nearest place. This arrangement is acceptable to both sides and accordingly, the Assistant Charity Commissioner,

Latur shall now take up for decision the Change Report No.662 of 2006, 701 of 2006 and deal with them on merits and in accordance with law, as expeditiously as possible. The prima facie observations of the Assistant Charity Commissioner, Solapur shall not influence the outcome of the proceedings. Petition disposed of with the above direction.

(S.C.Dharmadhikari, J)